

**REMARKS**

**Summary of Office Action**

Claims 1, 3-10, 12, 13, 15-19, 21, and 24-37 were pending in this application.

Claims 1, 3-7, 12, 13, 15-19, 21, 24, 25, 30-32, and 37 were rejected under 35 U.S.C. § 102(e) as being anticipated by Knudson et al. U.S. Patent Publication No. 2002/0120933 ("Knudson").

Claims 8 and 9 were rejected under 35 U.S.C. § 103(a) as being obvious from Knudson in view of Alten et al. U.S. Patent No. 5,635,978 ("Alten").

Claim 10 was rejected under 35 U.S.C. § 103(a) as being obvious from Knudson, in view of Alten, in further view of and Marshall et al. U.S. Patent No. 5,828,420 ("Marshall").

Claims 26, 27, 33, and 34 were rejected under 35 U.S.C. § 103(a) as being obvious from Knudson, in view of Schein et al. U.S. Patent Publication No. 2003/0208758 ("Schein").

Claims 28 and 35 were rejected under 35 U.S.C. § 103(a) as being obvious from Knudson in view of Zigmond et al. U.S. Patent No. 6,698,020 ("Zigmond").

Claims 29 and 36 were rejected under 35 U.S.C. § 103(a) as being obvious from Knudson.

**Summary of Applicant's Reply**

Applicant has amended claims 1 and 13 to more particularly define applicant's invention. No new matter has been added and the amendments are fully supported and justified by the application as originally filed.

Reconsideration of this application in light of the following remarks is respectfully requested.

**Applicant's Reply to the § 102 Rejections**

Claims 1, 3-7, 12, 13, 15-19, 21, 24, 25, 30-32, and 37 were rejected under 35 U.S.C. § 102(e) as being anticipated by Knudson.

This rejection is respectfully traversed.

Applicant's independent claims 1 and 13 are directed toward a system and method for displaying a pop up window overlaid on a displayed television picture, wherein the television picture is displayed on a substantially full portion of a television monitor. The television picture that is being displayed is determined and the pop up window displayed includes both an advertising message and an informational message that are related to the television picture that is determined to be displayed. The advertising message is selected from a plurality of advertising messages that are related to the displayed television picture and the informational message is an informational message other than a program title. This is not to say that a program title could not also be displayed.

The Examiner asserts that Knudson shows all of the elements of applicant's independent claims 1 and 13. Applicant respectfully disagrees with the Examiner's assertion for at least the reason that applicant cannot find a disclosure in Knudson that shows selecting an advertising message related to a displayed television picture determined to be displayed, as specified in independent claims 1 and 13.

Knudson specifies that "advertising related information . . . may be presented to the user based on the

user's interest, as determined by the user's interactions with the program guide" (Knudson, page 3, ¶ 45). Knudson further specifies that "[a]dvertisement 82 may be a programming-related advertisement that is used to promote a television program or channel or may be a conventional advertisement used to promote non-programming products and services" (Knudson, page 5, ¶ 50). Applicant respectfully submits that neither displaying advertisements based on user interactions with the program guide, nor a programming-related advertisement that is used to promote a television program or channel, is equivalent to selecting an advertising message related to the television picture determined to be displayed.

Accordingly, the foregoing demonstrates that Knudson does not disclose all of the features of applicant's independent claims 1 and 13. Therefore, the § 102 rejections of independent claims 1 and 13 and corresponding dependent claims 3-7, 12, 15-19, 21, 24, 25, 30-32, and 37 in view of Knudson should be withdrawn.

#### **Applicant's Reply to the § 103 Rejections**

The Examiner rejected claims 8-10, 26-29, and 33-36 under 35 U.S.C. § 103(a) as being obvious from Knudson or for Knudson in view of one or more of Alten, Marshall, Schein, and Zigmond. All of claims 8-10, 26-29, and 33-36 depend either directly or indirectly from independent claims 1 and 13. As set forth by applicant in the previous section, claims 1 and 13 are allowable over Knudson. Therefore, dependent claims 8-10, 26-29, and 33-36 are allowable over Knudson for at least the reasons that independent claims 1 and 13 are allowable over Knudson. Accordingly, the § 103

rejections of claims 8-10, 26-29, and 33-36 should be withdrawn.

**Conclusion**

The foregoing demonstrates that claims 1, 3-10, 12, 13, 15-19, 21, and 24-37 are allowable. This application is therefore in condition for allowance. Reconsideration and allowance of this application are accordingly respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew Van Court", is written over a horizontal line.

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